

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JASON BIELICKI,

Plaintiff,

v.

CHIEF US MARSHAL, *et al.*,

Defendants.

)
) CASE NO. 4:16CV2677
)
)

) JUDGE BENITA Y. PEARSON
)
)

) **MEMORANDUM OF OPINION AND**
) **ORDER** [Resolving [ECF No. 25](#)]
)

Pro se Plaintiff Jason Bielicki, currently an inmate in the Federal Correctional Institution in Elkton, Ohio, has filed this *in forma pauperis* action against Defendants Chief US Marshal, Warden FCI Elkton, and DSCC Director, Federal Bureau of Prisons. [ECF No. 1](#). Plaintiff indicates in the caption of the Complaint ([ECF No. 1](#)) that he asserts mixed common law and equity claims for records cancellation and restoration of personal property. [ECF No. 1 at PageID #: 1](#). He seeks over \$13 million in damages, a Rule 65 Order enjoining “all retaliation of any sort[,]” and *de novo* review of agency actions and decisions pursuant to 5 U.S.C. § 706. [Id. at PageID #: 9-10](#). For the reasons stated below, this action is dismissed pursuant to [28 U.S.C. § 1915A](#).

Plaintiff’s extensive Complaint is extremely difficult to decipher, but appears to allege that the Bureau of Prisons miscalculated his sentence by failing to properly credit his time as a pre-trial detainee.

(4:16CV2677)

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. [28 U.S.C. § 1915A](#); [Siller v. Dean](#), No. 99-5323, 2000 WL 145167, at *2 (6th Cir. Feb. 1, 2000).

Essentially, Plaintiff claims that his sentence is longer than it should be. The Supreme Court has held, however, that when a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of *habeas corpus*." [Preiser v. Rodriguez](#), 411 U.S. 475, 500 (1973).

Accordingly, this action is dismissed pursuant to [28 U.S.C. § 1915A](#). The dismissal is without prejudice to any valid *habeas corpus* claim Plaintiff may have under the facts alleged. The Court denies as moot or otherwise not actionable Plaintiff's pending motions to correct docketing, "stay and/or rescind and/or transfer back to DC", and to order the matter to arbitration with class certification. [ECF No. 25](#).

The Court certifies pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#) that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

January 30, 2017
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge